

Another Parcell of
P R O B L E M E S

Concerning
R E L I G I O N :

Necessary to be determined at this time,
And to that end Printed apart.

Together with
The prudent Advice of *Herennius Pontius*
A man famous for wisdom among the *Samnites*,
Very applyable to the present Deliberation in
PARLIAMENT concerning *Delinquents*.

As also
The bold and stout Answers of an Ambassadour of
Privernum, in the Senate of *Rome*, when the *Priver-*
nates were in the same low condition, in which
the **KINGS** party now is.

All for the present use of the Members of both Houses.

By P. D.

*Defendenda Religio est à privatis omnibus non occidendo sed moriendo
non savitiâ, sed patientiâ: non scelere, sed fide. Lactan.*

—fortunam reverenter habe.

Printed in season. In the yeare 1648.

Another Parcell of PROBLEMES Concerning. RELIGION.

I. **W**Hether it be lawfull for Christian Subjects to take up Armes against their Sovereign for reformation of the religion by law established, or in defence of their Religion not established by law, or of their lives, or livelihoods in danger by due execution of law, our blessed Saviour having expressly forbidden them to save their lives by such meanes, with the addition of a most peremptory threatening it they do, and of most gracious promises, if they patiently lose their lives, or livelihoods, for his sake. And whether the truth or falsehood of their Religion or the power, or number of them that attempt any of the things aforesaid doth make any difference in the case, though they be the Major part of the true, or representative Body of a Kingdome: Or whether all these be not *Anti-Christian* proceedings directly contrary to the Doctrine & practice of Christ, and of all his holy Apostles, and of the whole Church of God for many ages, and particularly of the Church of England since the Reformation.

II. Whether the defence of the Religion by law established, be not more properly a defence of the law, then of the Religion: And whether it be not lawfull for Subjects of one Religion, or profession to take up armes in defence of their lives, or livelihood against the violence and force of their fellow-Subjects of a Contrary Religion, or profession though established by Law, and though they pretend to have, or have authority from their Sovereigne to massacre, or plunder them for that cause, unlesse their said fellow-subjects first bring, or endeavour to bring them to a due Legal tryall: And whether the truth or falsehood of their Religion, or the number of the thus oppressed doth make any such difference in the case in point of justice, that one man of what Religion

gion soever hath not as much right to defend himself against violence as another, or as a multitude, or that a multitude of what Religion, or number soever ought not to forbear such defence of their persons or estates as well as any one single man of the same Religion or profession if proceeded against one by one in a due Legal course: And whether in some occasions where *summary proceedings* against many at once are used, and allowed in other matters, the same ought not to be submitted unto in this also for conscience sake, provided that the proceedings be such as may make it appear that they *suffer as Martyrs, or Confessors* for *Ch*rist's sake: And whether there be any danger that the gates of hell should prevaile against the Church of Christ if all true Christians should suffer themselves thus to be killed like sheep, or whether it have not ever been most enlarged at those times when Christians were most willing to yeeld to be so robbed or killed.

III.

Whether upon the attentive reading of the respective Declarations, of his Majesty and of his two Houses of Parliament, whereby they respectively gave the people of this Kingdome, and the whole world an account of the reasons, of their having taken up Armes, whereof that of his Majesty beareth date the 12. of *August*. 1642. and that of the Parliament was set forth in the beginning of the same moneth: it will not be evident to every intelligent man, capable to judge of affairs of this nature, that the present unhappy warre is *not, or at least at the beginning thereof was not a war of Religion*, otherwise then as Religion may be much concerned by consequent in the issue thereof. And whether this will not be yet more evident by comparing the conclusion of his Majesties said Declaration of the 12. of *August* from the Paragraph beginning in these words, [*Our case is truly stated, &c.*] to the end thereof, with the Preface, of the Ordinance of the Lords and Commons, for a weekly Assessment throughout the whole Kingdome, for the maintenance of the Army raised by the Parliament, 4. *Martii*. 1642. which beginneth in these words, [The Lords and Commons now assembled in Parliament, being fully satisfied and resolved in their consciences, that they have lawfully taken up Armes,

and may, and ought to continue the same for the *necessary defence of themselves, and the Parliament* from violence and destruction, *and of this Kingdome* from forreigne invasion, *and for the bringing of notorious offenders to condigne punishment*, which are *the only causes* for which they have raised, and do continue an Army and forces, which cannot possibly be maintained, nor the Kingdome subsist without the speedy raising of large and considerable summes of money, proportionable to the great expences, which now this Kingdome is at, for the supporting of the said Army, and for the saving of the whole Kingdome, our Religion, Lawes, and Liberties, from utter ruine and destruction.] in which words the Lords and Commons, (it may be) occasioned by many indiscreet defences of their proceedings made by well-meaning, but unskilfull men, have with great prudence distinguished the *justifying causes* of their having raised, and continuing an Army, and forces from *the things which might by consequent have come into danger*, if they had not raised an Army, and forces to defend them, among which Religion is one. And this the Penner of his Majesties said Declaration, had done as carefully from the beginning, in these words, [Our quarrell is not against the Parliament, but against particular men, &c.]

V. Whether the consideration of the *accidentall, and consequentiall interest of God himselfe* in the issue of a matter in debate, between two parties that are in warre ought to *ingage souldiers, or contributors*, to take part with the one or with the other, *more then Jurors in a like case*, the reason to the contrary being *the same in both*, to wit, because God hath no need of mans sinne in either to maintaine his cause, or glory, and it being a manifest sinne in a Juror to have any respect thereunto, how considerable soever such interest of God may be, as will be clear to the meanest capacity, by putting the case between an Atheisticall Church-Papist, and a godly zealous Protestant, or Puritane touching the *perpetuall advowson* of a great Rectory, and no lesse clear in the case of a warre between two Princes, semblably qualified touching their title to a *Kingdome divided in the Profession of Religion*.

Whe-

Whether a *meerly civill cause of clear justice*, in which true Religion is much *interessed*, though but *by consequent*, may not justly be called *Gods cause*, and ought not to be undertaken more heartily, and maintained more vigorously by all good Christians in that respect, especially when the *interest of Religion* is the only, or main *motive to the opposition*, made by the adverse party, which was the case of the great Henry the fourth of France, who in that regard was commonly prayed for as fighting *the Lords battels*, and is the case of the Prince Elector Palatine, and of Prince Rupert his brother, who in all appearance might ere this have recovered their ancient estates and dignities (to which by the lawes of the Empire their title is unquestionable) by the same meanes that the said King did his Crowne, if God by his grace had not made the said great Kings example too fearfull to them.

Whether the *entituling of God* to any *purely civill, and clearly unjust cause* in respect of the *interest of his true Religion* involved *by consequent only* in the successe thereof, be not a sinne against the third Commandement, and of a high nature; and whether any damage which may happen to accrew to Gods true Religion by occasion of the issue of *such a War*, will not be put to his account that was in the *wrong in the point of the justice of the war* though he were *in the right in the point of the truth of his Religion*, and whether that will not be a *heavy aggravation* of his sinne.

Whether the parties, and others interessed in a *purely civill cause of dubious justice*, wherein Religion is no otherwise concerned then as above said, do well to *engage* themselves, and to endeavour to engage others therein *under the title or colour of Religion*; or whether it be not a great sinne to do this wittingly and wilfully, especially in them who being *Ambassadors* of a King that hath publicquely declared his Kingdome not to be of this world, and that accordingly refused to make himselfe a Judge of Civill inheritances between brethren, wil hardly be able to shew that they have any Commission from him to entangle themselves, and much lesse to interest his name in such affaires of this world, and it being well knowne that in the old

Law it was death for a Prophet to presume to speake a word in his name that he had not commanded, *Deut.* 18. 20.

III. Whether all they who by a *mistake of the quarrell* do any way engage themselves, or others in a *just War upon unjustifiable grounds* be not murderers before God, though not before men, as a man may commit adultery with his own wife if in the dark he chance to take her for another mans: And as a Juror may doe unjustly in giving a just verdict, if he do it upon unjust grounds through a mistake of the evidence, or through ignorance of the Law.

X. Whether all they, who though they *understand the right of the quarrel in a just Warre*, yet engage themselves or others therein upon *unjustifiable motives*, as for private revenge, or gaine, or with minds any otherwise disposed then purely to procure a yeelding to the justice thereof, be not also guilty of all the bloodshed therein: as a Juror may be a murderer in consenting to the taking away of his neighbours life, by a *just verdict* how clear soever the law, or evidence be to him, if he be seduced thereunto by his *owne private spleen*, or by the *bribery*, or *solicitation of some other revengefull third person*, or by any other by *respect*, and not meerly by the *merits of the cause*,

Tit. Liv. Hist. Lib. 9.

W Hen T. *Veturius*, and Sp. *Posthumus*, Consuls of Rome, had engaged their Army too farre within the Gullet, or Streight of *Caudium*, into a place of so great disadvantage, that it was impossible for them either to get out of the pound wherein they were entrapped by their enemies the Samnites, or to fight them, or to have any relief come to their succour, though they should fortifie their campe with a trench and rampier, it is easie for every man to imagine in what distresse, they and their Officers and Souldiers were. The Samnites on the other side, in this so fortunate and happy opportunity presented unto them, were as much to seek what to do, and what course to chuse and follow. Whereupon they all in generall were to dispatch letters to *Herennius Pontius*, the father of their General, and to know his opinion. Now this man beforetime by reason of his great age had given over not only military affairs, but also all civil businesses: howbeit in that old crasse and spent body of his, he bare the fresh vigour of the mind, & a pregnant wit to give counsel. When he understood that the Romans Army was shut up fast within the two forrests, at the Cawdine

Caudine Gullets, and that his advice was asked by his sonnes messen-
 ger, he gave presently this counsell. That with all speed they should be
 let go from thence every one, without any harm at all done unto them.
 Which opinion of his being rejected, [of his sonne and the Army] his
 mind was demanded a second time, by the same Courtier sent againe
 unto him of purpose. And then he gave advice that they should be all
 killed, and not one left alive. Upon which answers so far disagreeing,
 and thus delivered, as it were out of a doubtfull Oracle: albeit his
 sonne himselfe imagined, of all others most, that his fathers wit was in
 the wane, and aged, as well as his feeble wasted body; yet by a general
 consent of all he was overcome, to send for him in Person for to declare
 his meaning by word of mouth. Neither thought the old man much
 thereof, but was brought (by report) to the camp: in a chariot, and
 being called to counsel, he was in the same tale stil, so as he nothing chan-
 ged of his former advise, but alledged only causes and reasons thereof.
 Namely, that in his former resolution, (which he took to be simply the
 best) his meaning was, by a singular benefit and good turne, to confirm
 peace and amity for ever, with a most mighty and puissant people. In the
 second, his purpose was by this utter losse of two Armies, whereby the
 State of *Rome* would not easily recover their strength again, to disferre
 the warres for many a yeare. And as for a third counsell he had none
 at all. When his Son and other chiefe Captains, by questioning inquired
 of him, what if a middle course between both were taken, namely to
 dismisse them safe, and according to the law of Armes and Conquest,
 to impose upon them hard lawes and conditions. Marry (quoth he)
 this is the way indeed, that neither winneth you friends, nor yet rid-
 deth you of your foes, save them whom you have provoked with
 shame and disgrace, and see what you get thereby. The Romanes are
 of this nature, that they cannot be stil and quiet so long as they have the
 worle; it will never die in their hearts, but will be always fresh, what-
 soever shame this present extremity shall brand them with: and never
 will it give them any rest, before they have been by manifold and sun-
 dry wayes revenged of you. So his advise was not accepted, neither
 the one nor the other, and old *Herennius* was carried home againe
 from the Camp. The Samnites would yield to no other terms of agree-
 ment, but to have the whole Roman Army passe shamefully under the
 Gallows: which they by the advice of *L. Lentulus*, (who told them that they
 ought to preserve their Country with suffering utter shame, as well as by
 spending their lives,) were contented to endure, and did. But not long af-
 ter, *Papirius* surnamed *Cursor* defeated the Samnites, and put them like-
 wise to passe under the Gallows..

When the Privernates rebelling, were utterly vanquished by the Romans, whiles some of them in the Senate of *Rome* gave advise to proceed cruelly, others to deale gently, according to each man his nature and inclination: there was an Ambassadour of *Privernum* that put all out of squares, a man mindful of that state wherein he was born, more then of his present need and extremity. Who being demanded of one (that had spoken to the point, delivered some sharp censure & heavy sentence against them) What punishment he judged the Privernates deserved? "Marry (quoth he) that which they deserve, who deem themselves worthy of liberty and freedom. At whose stout and arrogant answer, when the Consull saw those to be more eagerly and bitterly bent, who before impugned the cause of the Privernates: to the end that he himselfe by some mild and gentle demand, might draw from the party more modest language; What (quoth he) if we should remit and pardon your punishment: what kind of peace might we hope to have at your hands? If (quoth he) ye offer us a good peace, ye shall find it on our part loyal & perpetuall: but if ye tender hard conditions of peace, ye shall have it last but a smal while. But then one gave out that the Privernat began to threaten plainly, and said moreover, that such speeches were enough to stir up any peaceable and quiet people to warre, that never thought to have fought. But the better part of the Senate drew those his answers to a better sense, and said that it was the speech of a man, and of a man free borne. "For was it credible (quoth they) that any state, nay any particular person, would longer abide (then needs he must,) that condition which he misliketh and goeth against his stomach? There only is peace sure and like to hold, where men are contented and willing to keep themselves in peace: and never let men look or hope to find faithfull loyalty, where they wil impose thralldom and servitude. And to this purpose the Consull himselfe especially moved and inclined their hearts, reiterating these words to the Senators that were first to give their opinions, & that so loud, as he might of many more be overheard, that they above al other, and none but they indeed were worthy to be made Roman Citizens, who minded and esteemed nothing in the world but their freedom. Whereupon both in the Senate they obtained the suit: and also by their authority of LL: a Bill was exhibited to the people, that the Privernates might be enfranchised Romans.

FINIS.